

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

RACHEL SAHOO and GOURAB SAHOO,)
Plaintiffs,)
v.) No. 5:16-CV-153-BO
JAMIE GLEATON and KITTY HART,)
Defendants.)

RACHEL SAHOO and GOURAB SAHOO,)
Plaintiffs,)
v.) No. 5:18-CV-95-BO
RICHARD HAYNER, SWEETLY SANDERS,)
And UNKNOWN JOHN DOE SUPERVISORS)
AND POLICYMAKERS 1-10,)
Defendants.)

These causes are before the Court on plaintiffs' motion to consolidate and motion to amend complaint. The motions are ripe for ruling. For the reasons given below, plaintiffs' motions are granted.

Plaintiffs' underlying lawsuit alleges civil rights violations stemming from their temporary loss of custody of their children. They filed their second amended complaint on April 23, 2017. A hearing was held before the undersigned on November 30, 2017. This Court determined that as defendants had relied on matters outside of the pleadings, defendants motions were converted to motions for summary judgment, and the motions to dismiss were denied

without prejudice so that discovery could begin. Plaintiffs then filed a second lawsuit against another set of related defendants on March 9, 2018.

Plaintiffs have now moved to amend their second amended complaint and to consolidate the two lawsuits. The motions have the same underlying purpose, as plaintiffs' intention in amending the complaint is to add the parties named in the second lawsuit.

Motions to amend should be denied "only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." *Edwards v. City of Goldsboro*, 178 F.3d 231, 242 (4th Cir. 1999). There is no evidence of such circumstances here. Actions pending before a court may be consolidated when the actions involve common questions of law or fact. Fed. R. Civ. P. 42(a). Both cases arise out of the same set of allegations.

Accordingly, for good cause shown, plaintiffs' motion to amend [DE 71] is GRANTED. Plaintiffs' motions to consolidate [DE 73; DE 7] are GRANTED. These actions shall proceed under the caption at case number 5:16-CV-153-BO. The clerk is DIRECTED to enter this order in each of the now-consolidated actions and to administratively close the file of case number 5:18-CV-95-BO. No further filling should be made in 5:18-CV-95-BO.

SO ORDERED, this 18 day of April, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE